

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PATRISHA PLATT,

Plaintiff,

v.

EVERGREEN PUBLIC SCHOOLS,

Defendant.

CASE NO. 3:21-cv-5852

**ORDER ON THE PARTIES'
STIPULATED MOTION TO
COMPEL STUDENT RECORDS**

1. BACKGROUND

This matter comes before the Court on the parties' stipulated motion to compel student records. Dkt. No. 26. Both parties agree that Plaintiff Patrisha Platt's Requests for Production Nos. 25, 26, 27, and 29 are relevant and discoverable under Fed. R. Civ. P. 26, 34, and 37. Dkt. No. 26 at 2–3. Accordingly, the parties move for an order compelling production of the following:

Request No. 25: All Individualized Education Plans (IEPs) for [KW] between 9/1/2015 and 5/1/2019.

Request No. 26: All communications, reports, complaints, recommendations, evaluations, assessments, diagnosis, or other record not specifically named which was considered by Defendant EPS in the development of [KW's] IEPs between 9/1/2015 and 5/1/2019.

Request No. 27: All records pertaining to any communication received by Defendant EPS from an employee of Defendant EPS, or parent of an EPS student, regarding [KW] or making reference to [KW] by name or otherwise between 5/1/2016 and 5/1/2019.

Request No. 29: All transportation incident reports pertaining to student [KW] between 9/1/2015 and 5/1/2019.

Dkt. No. 26 at 2.

2. DISCUSSION

2.1 Legal standard for motion to compel.

“Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case[.]” Fed. R. Civ. P. 26(b)(1). If requested discovery is not answered, the requesting party may move for an order compelling such discovery. Fed. R. Civ. P. 37(a)(1). The party that resists discovery has the burden to show why the discovery request should be denied.

Here, the parties concede Platt’s discovery requests are proportional and relevant to the needs of the case. The Court agrees.

Defendant Evergreen Public Schools requests a Court order so that it “may provide reasonable notice to the affected third-party student” as required under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g. Dkt. No. 26 at 3. FERPA requires that, if a school discloses a student’s education records, to comply with a judicial order, the educational agency must make reasonable efforts to notify the parents or students in advance so that they may seek protective action. 34 C.F.R. § 99.31(a)(9)(i)–(ii). Accordingly, the Court directs Evergreen Public Schools to respond to Platt’s discovery requests within 14 days after making

1 reasonable efforts to notify the affected parents or students. Whether Evergreen
2 Public Schools has otherwise complied with its obligations under FERPA is not an
3 issue properly before the Court, so this order should not be construed as a ruling on
4 the subject.

5 **3. CONCLUSION**

6 The Court GRANTS the parties' stipulated motion to compel. Dkt. No. 26.
7 Evergreen Public Schools must produce materials responsive to Platt's Request for
8 Production Nos. 25, 26, 27, and 29 within 14 days after making reasonable efforts to
9 notify the affected parents or students.

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11 Dated this 6th day of October, 2023.

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14 Jamal N. Whitehead
15 United States District Judge
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